Executive Summary – Enforcement Matter – Case No. 43597 COLLINS CORP. dba Collins Machine Shop RN106303191 Docket No. 2012-0407-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM, WQ, IHW, UIC

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Collins Machine Shop, 333 Perry Street, Longview, Gregg County

Type of Operation:

Machine shop

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 6, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$18,100

Amount Deferred for Expedited Settlement: \$3,620 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$14,480

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - N/A Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Executive Summary – Enforcement Matter – Case No. 43597 COLLINS CORP. dba Collins Machine Shop RN106303191 Docket No. 2012-0407-MLM-E

Investigation Information

Complaint Date(s): November 22, 2011

Complaint Information: The alleged Respondent has been dumping oil and solvents

on the ground near the building and in the drainage ditch.

Date(s) of Investigation: December 15, 2011

Date(s) of NOE(s): February 10, 2012

Violation Information

- 1. Failed to obtain authorization to discharge storm water associated with industrial activities. Specifically, the Respondent did not develop and implement a Storm Water Pollution Prevention Plan ("SWPPP") and obtain authorization under Texas Pollutant Discharge Elimination System ("TPDES") Multi-Sector General Permit ("MSGP") No. TXR050000 [30 Tex. Admin. Code § 281.25(a)(4) and 40 Code of Federal Regulations ("CFR") § 122.26(c)].
- 2. Failed to prevent the unauthorized discharge of industrial waste onto the ground and into a class V injection well. Specifically, an old water well had trash and metal shavings in it, the drainage ditch had standing water with an oily sheen on top, and the air compressor between the shop and adjacent connected building was leaking oil onto the grass. Soil samples had total Petroleum Hydrocarbon levels as high as 46,400 parts per million ("PPM"), which exceed the 449 PPM background level [30 Tex. Admin. Code §§ 331.3(a), 331.5(a), 335.4 and Tex. Water Code § 26.121(a)].
- 3. Failed to conduct waste determinations and classifications. Specifically, waste determinations and classifications were not conducted on the used hydraulic oil and the waste coolant fluid [30 Tex. Admin. Code §§ 335.62, 335.503(a) and 335.513, and 40 CFR § 262.11].
- 4. Failed to label or clearly mark containers storing used oil. Specifically, there were six buckets filled with oily substances that were not properly labeled with the words "Used Oil" [30 Tex. Admin. Code § 324.1 and 40 CFR § 279.22(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures at the Site:

- a. Conducted waste determinations and classifications on all waste streams at the Facility on March 12, 2012; and
- b. Labeled all used oil containers with the words "Used Oil" on March 12, 2012.

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Technical Requirements:

The Order will require the Respondent to:

- a. Immediately, cease unauthorized discharges until such time as a permit is obtained.
- b. Within 30 days:
- i. Develop and begin implementing a SWPPP and submit a Notice of Intent to comply with TPDES MSGP requirements; and
- ii. Submit an Affected Property Assessment Report, to the Executive Director for approval.
- c. Within 45 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

Contact Information

TCEO Attorney: N/A

TCEQ Enforcement Coordinator: Mike Pace, Enforcement Division, Enforcement Team 6, MC R-04, (817) 588-5933; Debra Barber, Enforcement Division, MC 219, (512) 239-0412.

TCEO SEP Coordinator: N/A

Respondent: James A. Collins, President, COLLINS CORP. dba Collins Machine

Shop, P.O. Box 8439, Longview, Texas 75607

Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW) Policy Revision 3 (September 2011) PCW Revision August 3, 2011 DATES Assigned 13-Feb-2012 PCW 15-Feb-2012 Screening 13-Feb-2012 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent COLLINS CORP. dba Collins Machine Shop Reg. Ent. Ref. No. RN106303191 Facility/Site Region 5-Tyler Major/Minor Source Minor CASE INFORMATION Enf./Case ID No. 43597 No. of Violations 3 Docket No. 2012-0407-MLM-E Order Type 1660 Media Program(s) Underground Injection Control Government/Non-Profit No Multi-Media Water Quality, Used Oil & IHW Enf. Coordinator Mike Pace EC's Team Enforcement Team 6 Admin. Penalty \$ Limit Minimum Maximum \$25,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$17,500 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** 0.0% Enhancement Subtotals 2, 3, & 7 \$0 Notes No adjustment for compliance history. Culpability No 0.0% Enhancement Subtotal 4 \$0 The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$750 **Economic Benefit** 0.0% Enhancement* Subtotal 6 \$0 Total EB Amounts \$511 *Capped at the Total EB \$ Amount Approx. Cost of Compliance SUM OF SUBTOTALS 1-7 Final Subtotal \$16,750 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment \$0 Reduces or enhances the Final Subtotal by the indicated percentage. Notes Final Penalty Amount \$16,750 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$16,750 20.0% Reduction Adjustment -\$3,350 Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Deferral offered for expedited settlement.

\$13,400

Notes

PAYABLE PENALTY

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Respondent COLLINS CORP. dba Collins Machine Shop

Case ID No. 43597

Reg. Ent. Reference No. RN106303191

Media [Statute] Underground Injection Control Enf. Coordinator Mike Pace

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Reg. Ent. Reference No. RN106303191 Media [Statute] Underground injection Control Enf. Coordinator Mike Pace Violation Number Rule Cite(s) 10 70x. Admin, Code § 281.25(a)(4) and 40 Code of Federal Regulations ("CFR") § 122.26(c) Faled to obtain authorization and blockampe storm water associated with industrial activities. Specifically, the Respondent did not develop and implement a Storm. Violation Description Water Pollution Prevention Plan ("ViPPP") and obtain authorization authoriz			lins Machine Shop		
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this violation. Violation Subtotal \$2,500 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$33 Violation Final Penalty Total \$2,500		The Res	pondent does not meet the good faith criteria for		
Economic Benefit (EB) for this violation Estimated EB Amount \$33 Violation Final Penalty Total \$2,500		Notes			
Economic Benefit (EB) for this violation Estimated EB Amount \$33 Violation Final Penalty Total \$2,500				l	
Economic Benefit (EB) for this violation Estimated EB Amount \$33 Violation Final Penalty Total \$2,500			Violation	Subtotal	\$2,500
Estimated EB Amount \$33 Violation Final Penalty Total \$2,500				4	
	Economic Benefit (EB) for	this violation	Statutory Limit	t Test	
	Estimat	ed EB Amount	\$33 Violation Final Pen	alty Total	\$2,500
This violation Final Assessed Penalty (adjusted for limits) \$2,500				-	
		This	violation Final Assessed Penalty (adjusted f	or limits)	\$2,500

	E	conomic	Benefit	Wo	rksheet		
Respondent	COLLINS COR	P. dba Collins Mac	hine Shop	1004101400480			
Case ID No.							
Reg. Ent. Reference No.							Years of
		Injection Control				Percent Interest	Depreciation
Violation No.				LANGER PROPERTY.	::::::::::::::::::::::::::::::::::::::		
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
				10841086666			12568825868286686822
Delayed Costs		<u></u>		n	1 +0	40	
Equipment		<u> </u>	****	0,00	\$0	\$0 \$0	\$0 \$0
Buildings		<u> </u>		0.00	\$0	\$0 \$0	<u>\$0</u> \$0
Other (as needed)		4		0.00	\$0 \$0	\$0 \$0	<u>\$0</u> \$0
Engineering/construction			***************************************	0.00	\$0 \$0	n/a	\$0 \$0
Land		-		0.00	\$0 \$0	n/a	\$0 \$0
Record Keeping System		<u> </u>		0.00	\$0 \$0	n/a	\$0 \$0
Training/Sampling Remediation/Disposal				0.00	\$0 \$0	n/a	\$0
Permit Costs	\$2,500	15-Dec-2011	15-Sep-2012	0.75	\$94	n/a	\$94
Other (as needed)	35,200	122066 2011	<u> </u>	0.00	\$0	n/a	\$0
Notes for DELAYED costs		investigation	date and the fir	ial date	is the estimated		
Avoided Costs	ANNUAL	TTE [1] avoided	costs before			for one-time avoic	\$0
Disposal	 	 	******	0.00	\$0 \$0	\$0 \$0	<u>∌0</u> \$0
Personnel inspection/Reporting/Sampling		 		0.00	\$0 \$0	\$0 \$0	<u>₹0</u> \$0
nspection/Reporting/Sampling Supplies/equipment		 		0.00	\$0 \$0	\$0	\$0 \$0
Financial Assurance [2]	 	 	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	0.00	\$0 \$0	\$0	\$0
ONE-TIME avoided costs [3]		1		0.00	\$0 \$0	<u> </u>	\$0
Other (as needed)		├──		0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$2,500			TOTAL		

Screening Date		PCW
	`	ision 3 (September 2011)
Case ID No.		V Revision August 3, 2011
Reg. Ent. Reference No.		
Enf. Coordinator	Underground Injection Control	
Violation Number		
Rule Cite(s)		7
	26.121(a)	
	Failed to prevent the unauthorized discharge of industrial waste onto the ground	
	and into a class V injection well. Specifically, an old water well had trash and meta	E .
Violation Description	shavings in it, the drainage ditch had standing water with an oily sheen on top, the air compressor between the shop and adjacent connected building was leaking oil	
	onto the grass. Soil samples had total Petroleum Hydrocarbon levels as high as	
	46,400 parts per million ("PPM"), which exceed the 449 PPM background level.	
	Base Penalt	y \$25,000
>> cuvironinientai, Propei	ty and Human Health Matrix Harm	
Release	Major Moderate Minor	9
OR Actual		
Potential	Percent 15.0%	
>>Programmatic Matrix Falsification	Major Moderate Minor	
1 disincation	Percent 0.0%	
· <u>Luinneineannainea</u>		
Human bealti	or the enivronment has been exposed to significant amounts of pollutants which do	1
Matrix not exceed le	vels that are protective of human health or the environmental receptors as a result o	· H
Notes	the violation.	
	Adjustment \$21,25	0
		\$3,750
		<u> </u>
Violation Events		
Number of '	/iolation Events 2 60 Number of violation days	
	daily	
	weekly	
	monthly x	
mark only one with an x	quarterly Violation Base Penalt	\$7,500
	semiannual <u>Transaction</u>	
	annual	
	single event	
		n l
Two month	ly events are recommended from the December 15, 2011 investigation date to the	
	February 13, 2012 screening date.	
Good Faith Efforts to Com		\$0
	Before NOV NOV to EDPRP/Settlement Offer	
	Extraordinary	
	Ordinary	
	N/A x ((mark with x)	111
	Notes The Respondent does not meet the good faith criteria for	
	this violation.	
	Violation Subtota	\$7,500
_	,	
Economic Benefit (EB) for	this violation Statutory Limit Test	
Fstimat	ym-1010000000000000000000000000000000000	\$7.500
Estimat	ed EB Amount \$377 Violation Final Penalty Tota	
Estimat	ym-1010000000000000000000000000000000000	

	Ec	conomic	Benefit	Wo	rksheet		
Respondent	COLLINS COR	P. dba Collins Mad	hine Shop		\$\$ 2.5\$25\$ 2.2\$ + 2.54 LO LO DO LE LE LO		
Case ID No.	43597						
Rea. Ent. Reference No.	RN106303191						
Media	Underground I	Injection Control				Percent Interest	Years of
Violation No.	2					reiteilt Intelest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Vrc	Interest Saved	Onetime Costs	EB Amount
71 N!-#			· mor Date		Ainci Cat Gurcu	Officering Costs	LD AMOUNT
Item Description	No commas or \$						
				1100000000000000			
Delayed Costs	[_	,	1 ~ ~ ~		#6	**
Equipment		1000		0.00	\$0 \$0	\$0 \$0	\$0 \$0
Buildings Other (as needed)		ļ		0.00	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/construction		 		0.00	<u>\$0</u> \$0	\$0 \$0	<u>30</u> \$0
Land				0.00	\$0 \$0	n/a	\$0
Record Keeping System		t		0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$10,000	15-Dec-2011	15-Sep-2012	0.75	\$377	n/a	\$377
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	contaminatio	n and conduct th	e cleanup. The the estim	date re lated co	equired is the investment compliance date.	he vertical and hori. stigation date and ti	ne final date is
Avoided Costs	ANNUAL	IZE [1] avoided	costs before			for one-time avoid	ded costs)
Disposal				0.00		\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment		↓		0.00	<u>\$0</u>	\$0	\$0
Financial Assurance [2]				0.00	<u>\$0</u>	<u>\$0</u>	\$0
ONE-TIME avoided costs [3]		4		0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)		J	L	8 U.UU	ι≥υ	<u> </u>	3U
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$10,000			TOTAL		\$377

			13-Feb-2012			ket No. 2012-04			PCW
		spondent se ID No.	COLLINS CORP. o	dba Collins	Machine Shop		P	-	(September 2011)
Rea.			43597 RN106303191					PCW Revisio	on August 3, 2011
			Underground Inje	ection Con	trol	*			
		ordinator							
		on Number	3						
	R	ule Cite(s)	30 Tex. Admin	. Code §§	335.62, 335.50	3(a) and 335.513, a	nd 40 CFR § 2	62.11	
				************	***************************************				
								is and the	1
	Violation I	Description				ilnations and classifi ere not conducted c			
		•			oil and the wast				
			Landania de la composito de la	************			diiiiniaa dalaa	······································	
							Base	Penalty	\$25,000
~~ En .	iironmant	si Dranar	ty and Huma	ادمادا	h Matric				
LIIV	/II OIIIIIEIILI	ai, Fiopei	ty and numa	Harm	II PIGLIA				
		Release	Major	Moderate	Minor				
OR		Actual							
		Potential	Х			Percent	15.0%		
>>Proc	grammatio	Matrix							
-		alsification	Major	Moderate	Minor				
						Percent	0.0%		
			-				-		
	Matrix H	uman health	or the environm	ent will or	could be expose	d to pollutants which	n would excee	d levels	
	Notes	that are p	rotective of huma	in health o	r environmental	receptors as a resul	lt of the violat	ion.	
	L							النسسس	
						Adjustment		\$21,250	
									10 750
								L	\$3,750
Violatio	on Events								4
000000000000000000000000000000000000000	> > > > > > > > > > > > > > > > > > >		·				********************		
		Number of \	/iolation Events	2		2 Number	of violation da	iys	-
			daily						
			weekly						
			monthly						
		nark only one with an x	quarterly			Vio	lation Base I	Penalty	\$7,500
			semiannual						
			annual single event						
			angie event	Х					
			ſwo single events	(one ever	nt for each wast	estream) are recomn	nended.		
	L							المشيشي	
CAAN F	aith Effor	e to fom	nlv T	10.00	% Reduction				\$750
	with Engi		P. 7	Before NOV		ettlement Offer			7,55
			Extraordinary						
			Ordinary		×				
			N/A		(mark with x)				
				The Resi	pondent came ir	to compliance on Ma	arch 12.		
			Notes			lated February 10, 2			
							Violation S	ubtotal	\$6,750
Econon	nic Benefi	t (EB) for	this violation	1		Statut	ory Limit T	est	
		Estimat	ed EB Amount		\$101	Violation	Final Penalt	y Total	\$6,750
				This v	iolation Final A	ssessed Penalty (adjusted for	limits)	\$6,750

	L.	conomic	Dellellf		rksneet		
Respondent	COLLINS COR	P. dba Collins Mac	hine Shop				
Case ID No.	43597						
leg. Ent. Reference No.	RN106303191						
		Injection Control					Years of
Violation No.	-					Percent Interest	Depreciation
Violation No.	3		****			F 0	
	Item Cost	Date Required	Einal Date	Vice	Interest Sayad	5.0 Onetime Costs	15 EB Amount
Maria Parandada			i mai Date		Anterest Sure	Officiality Codes	LU AIIIVUIIL
Item Description	ivo commas or ş						
							8086686868683
Delayed Costs	(1222222222222222222222222222222222222	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,				<i>,</i>	
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	40.400		13 May 2012	0.00	\$0	n/a	\$0
	\$8,400	15-Dec-2011		0.00 0.24	\$0 \$101	n/a n/a	\$0 \$101
Permit Costs Other (as needed) Notes for DELAYED costs	Estimated	cost to conduct w required is the i	aste determina investigation da	0.00 0.24 tions ar te and	\$0 \$101 nd classifications o the final date is th	n/a n/a n two waste stream ne compliance date.	\$0 \$101 s. The date
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated	cost to conduct w required is the i	aste determina investigation da	0.00 0.24 tions ar te and	\$0 \$101 and classifications of the final date is the final (except	n/a n/a n two waste stream ne compliance date. for one-time avoid	\$0 \$101 s. The date ded costs)
Permit Costs Other (as needed) Notes for DELAYED costs	Estimated	cost to conduct w required is the i	aste determina investigation da	0.00 0.24 tions ar te and enterir 0.00	\$0 \$101 and classifications of the final date is the final tem (except \$0	n/a n/a n two waste stream ne compliance date. for one-time avoid	\$0 \$101 s. The date ded costs) \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated	cost to conduct w required is the i	aste determina investigation da	0.00 0.24 tions ar te and enterir 0.00 0.00	\$0 \$101 and classifications of the final date is the ng item (except \$0 \$0	n/a n/a n/a n two waste stream ne compliance date. for one-time avoic \$0 \$0	\$0 \$101 s. The date led costs) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel aspection/Reporting/Sampling	Estimated	cost to conduct w required is the i	aste determina investigation da	0.00 0.24 tions ar te and enterir 0.00 0.00 0.00	\$0 \$101 and classifications of the final date is the ig item (except \$0 \$0 \$0	n/a n/a n/a n two waste stream ne compliance date. for one-time avoic \$0 \$0 \$0 \$0	\$0 \$101 s. The date led costs) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment	Estimated	cost to conduct w required is the i	aste determina investigation da	0.00 0.24 tions ar te and enterir 0.00 0.00 0.00	\$0 \$101 and classifications of the final date is the so \$0 \$0 \$0 \$0	n/a n/a n/a n two waste stream ne compliance date. for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$101 s. The date led costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated	cost to conduct w required is the i	aste determina investigation da	0.00 0.24 tions ar te and enterir 0.00 0.00 0.00 0.00	\$0 \$101 and classifications of the final date is the ing item (except \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n two waste stream ne compliance date. for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$101 s. The date ded costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment	Estimated	cost to conduct w required is the i	aste determina investigation da	0.00 0.24 tions ar te and enterir 0.00 0.00 0.00	\$0 \$101 and classifications of the final date is the so \$0 \$0 \$0 \$0	n/a n/a n/a n two waste stream ne compliance date. for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$101 s. The date ded costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated	cost to conduct w required is the i	aste determina investigation da	0.00 0.24 tions ar te and enterir 0.00 0.00 0.00 0.00 0.00	\$0 \$101 and classifications of the final date is the gitem (except \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n two waste stream ne compliance date. for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$101 s. The date led costs) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated	cost to conduct w required is the i	aste determina investigation da	0.00 0.24 tions ar te and enterir 0.00 0.00 0.00 0.00 0.00	\$0 \$101 and classifications of the final date is the gitem (except \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n two waste stream ne compliance date. for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$101 s. The date led costs) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated	cost to conduct w required is the i	aste determina investigation da	0.00 0.24 tions ar te and enterir 0.00 0.00 0.00 0.00 0.00	\$0 \$101 and classifications of the final date is the gitem (except \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n two waste stream ne compliance date. for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$101 s. The date led costs) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated	cost to conduct w required is the i	aste determina investigation da	0.00 0.24 tions ar te and enterir 0.00 0.00 0.00 0.00 0.00	\$0 \$101 and classifications of the final date is the gitem (except \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n two waste stream ne compliance date. for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$101 s. The date led costs) \$0 \$0 \$0 \$0 \$0

Penalty Calculation Worksheet (PCW) Policy Revision 3 (September 2011) PCW Revision August 3, 2011 Assigned 13-Feb-2012 **PCW** 15-Feb-2012 Screening 13-Feb-2012 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent COLLINS CORP. dba Collins Machine Shop Reg. Ent. Ref. No. RN106303191 Facility/Site Region 5-Tyler Major/Minor Source Minor CASE INFORMATION Enf./Case ID No. 43597 No. of Violations 1 Docket No. 2012-0407-MLM-E Order Type 1660 Media Program(s) Used Oil Government/Non-Profit No Multi-Media Water Quality, UIC & IHW Enf. Coordinator Mike Pace EC's Team Enforcement Team 6 Admin. Penalty \$ Limit Minimum Maximum \$5,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$1,500 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** 0.0% Enhancement Subtotals 2, 3, & 7 \$0 No adjustment for compliance history. Notes Culpability No Subtotal 4 \$0 0.0% Enhancement The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$150 \$0 **Economic Benefit** 0.0% Enhancement* Subtotal 6 Total EB Amounts *Capped at the Total EB \$ Amount Approx. Cost of Compliance SUM OF SUBTOTALS 1-7 \$1,350 Final Subtotal OTHER FACTORS AS JUSTICE MAY REQUIRE \$0 0.0% Reduces or enhances the Final Subtotal by the indicated percentage. Notes Final Penalty Amount \$1,350 STATUTORY LIMIT ADJUSTMENT \$1,350 Final Assessed Penalty

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

Deferral offered for expedited settlement.

20.0%

Reduction

Adjustment

-\$270

\$1,080

Screening Date 13-Feb-2012

Docket No. 2012-0407-MLM-E

Respondent COLLINS CORP. dba Collins Machine Shop

Case ID No. 43597

Reg. Ent. Reference No. RN106303191

Media [Statute] Used Oil Enf. Coordinator Mike Pace

Policy Revision 3 (September 2011)
PCW Revision August 3, 2011

Cor	mpliance Histo	ory Person Classification (Subtotal 7) Adjustment Per				0%
	N//	Adjustment Per	centage	(Subt	total 3)	0%
Rej	peat Violator (.0.0, _, _	<u> </u>
		government environmental requirements Adjustment Per		(Subi		0%
		Early compliance with, or offer of a product that meets future state or federal	No.		0%	
	Other	under a special assistance program Participation in a voluntary pollution reduction program	No No		0%	
		Voluntary on-site compliance assessments conducted by the executive director			· ·	
		Environmental management systems in place for one year or more	ase Enter Yes No	or No	0%	
	Addis	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations</i> were disclosed)	0		0%	
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0		0%	
	Emissions	Chronic excessive emissions events (number of events)	0	1	0%	
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	0		0%	
	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0		0%	
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0		0%	
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0		0%	
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0		0%	
		Other written NOVs	0		0%	
	NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0		0%	

Screening Date		PCW
Kespondent Case ID No.	COLLINS CORP. dba Collins Machine Shop	Policy Revision 3 (September 2011)
Reg. Ent. Reference No.		PCW Revision August 3, 2011
Media [Statute]		
Enf. Coordinator		
Violation Number		
Rule Cite(s)	30 Tex. Admin. Code § 324.1 and 40 Code of Federal Regulations ("C 279.22(c)	FR") §
The year		
Violation Description	Falled to label or clearly mark containers storing used oil with the words " Specifically, there were six buckets filled with oily substances that we properly labeled with the words "Used Oil".	
	Bas	e Penalty \$5,000
>> Environmental. Proper	ty and Human Health Matrix	
	Harm	•
Release OR Actual	Major Moderate Minor	
OR Actual Potential	Percent 0.0%	
	<u></u>	
>>Programmatic Matrix		
Falsification	Major Moderate Minor Percent 5.0%	
<u>a. Dicheralista</u>	Percent 5.0%	
Matrix		
Notes	100% of the rule requirement was not met.	
	Adjustment	\$4,750
		\$250
	: 	3230
Violation Events		
Number of '	fiolation Events 6 Number of violation	days
mark only one with an x	daily weekly monthly quarterly semiannual annual single event X	e Penalty \$1,500
SIX	single events are recommended (one event for each unlabeled container).	
	EBBSS - VV - VV	4150
Good Faith Efforts to Com	bly 10.0% Reduction Before NOV NOV to EDPRP/Settlement Offer	\$150
TO SECULIAR	Extraordinary	
TO THE PROPERTY OF THE PROPERT	Ordinary X X X X X X X X X X X X X X X X X X X	
***************************************	N/A (mark with x)	
	Notes The Respondent came into compliance on March 12, 2012, after the NOE dated February 10, 2012.	
	Violation	Subtotal \$1,350
Economic Benefit (EB) for	this violation Statutory Limit	Test
Estimat	ed EB Amount \$1 Violation Final Pena	alty Total \$1,350
	This violation Final Assessed Penalty (adjusted for	or limits) \$1,350

	Ec	conomic	Benefit	Wo	rksheet		
Respondent	COLLINS COR	P. dba Collins Mac	hine Shop	ere raprasaina		tid det translation from the translation to	
Case ID No.	43597						
Rea. Ent. Reference No.	RN106303191						
Media	Used Oil						Years of
Violation No.						Percent Interest	Depreciation
riolation ito.						5.0	15
	Item Cost	Date Required	Final Date	٧rc	Interest Saved	Onetime Costs	EB Amount
Item Description							
nem bescription	NO COMMINS OF S						
Delaved Costs							
Equipment	r	i i		0.00	T \$0.	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	.,			0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	15-Dec-2011	12-Mar-2012	0.24	\$1	n/a	\$1
Notes for DELAYED costs			date is	the con	npliance date.	ne investigation date	
Avoided Costs	ANNUAL:	IZE [1] avoided	costs before			for one-time avoid	led costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
nspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]		ļ		0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)		الــــــا		0.00	\$0	\$0 l	\$0
Notes for AVOIDED costs							

Compliance History Report

Customer/Respondent/Owner-Ope	erator:	CN604010025	COLLINS CORP.	Classifi	cation:	Rating:
Regulated Entity:		RN106303191	Collins Machine Shop	Classifi	cation:	Site Rating:
ID Number(s):		MUNICIPAL SO	LID WASTE NON PERMITTE	D ID NUMBER		R05106303191
Location:	3	33 PERRY ST, L	ONGVIEW, TX, 75602		-	
TCEQ Region:	<u>-</u> F	REGION 05 - TYI	.ER	·		
Date Compliance History Prepare	d: - F	ebruary 17, 2012	2	***************************************		
Agency Decision Requiring Comp	liance History:	Inforcement				
Compliance Period:	F	ebruary 17, 200	7 to February 17, 2012			
TCEQ Staff Member to Contact fo	r Additional Informa	ation Regarding t	nis Compliance History			
Name: Mike Pace		Ph	one: (817) 588-5933			
Has the site been in existence a Has there been a (known) char	·	the full five year		NO		
3. If YES, who is the current owner	r/operator?	!	N/A			
4. If YES, who was/were the price	r owner(s)/operato	r(s)?	N/A			
5. If YES, when did the change(s	s) in owner or opera	ator occur?	N/A			
6. Rating Date: N/A Repeat Vid	olator:	N/A				
Components (Multimedia) for A. Final Enforcement Ord N/A		s, and consent d	ecrees of the State of Texas a	and the federal government	ent.	
B. Any criminal conviction N/A	s of the state of Te	xas and the feder	ral government.			
C. Chronic excessive emi	ssions events.					
D. The approval dates of N/A	investigations. (CC	EDS Inv. Track. N	do.)			
E. Written notices of violaN/AF. Environmental audits.	tions (NOV). (CCE	OS Inv. Track. No	.)			
N/A						
G. Type of environmental N/A	management syste	ms (EMSs).				
H. Voluntary on-site comp	liance assessment	dates.				
Participation in a volun	tary pollution reduc	tion program.				
N/A	•	9				
J. Early compliance.						
N/A						
Sites Outside of Texas N/A						



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
COLLINS CORP. DBA COLLINS	§	
MACHINE SHOP	§	
RN106303191	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2012-0407-MLM-E

I. JURISDICTION AND STIPULATIONS

- 1. The Respondent owns and operates a machine shop at 333 Perry Street in Longview, Gregg County, Texas (the "Facility").
- 2. The Respondent has committed any other act or engaged in any other activity which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any water in the state under Tex. Water Code ch. 26. Also, the Respondent is utilizing an injection well as that term is defined in Tex. Water Code § 27.002(11) and the Facility involves or involved the management of industrial solid waste and used oil as defined in Tex. Health & Safety Code chs. 361 and 371.
- 3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 15, 2012.

- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Eighteen Thousand One Hundred Dollars (\$18,100) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fourteen Thousand Four Hundred Eighty Dollars (\$14,480) of the administrative penalty and Three Thousand Six Hundred Twenty Dollars (\$3,620) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 Tex. Admin. Code § 70.10(a).
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. Conducted waste determinations and classifications on all waste streams at the Facility on March 12, 2012; and
 - b. Labeled all used oil containers with the words "Used Oil" on March 12, 2012.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to obtain authorization to discharge storm water associated with industrial activities, in violation of 30 Tex. Admin. Code § 281.25(a)(4) and 40 Code of Federal Regulations ("CFR") § 122.26(c), as documented during an investigation conducted on December 15, 2011. Specifically, the Respondent did not develop and implement a Storm Water Pollution Prevention Plan ("SWPPP") and obtain authorization under Texas

COLLINS CORP. dba Collins Machine Shop DOCKET NO. 2012-0407-MLM-E Page 3

Pollutant Discharge Elimination System ("TPDES") Multi-Sector General Permit ("MSGP") No. TXR050000.

- 2. Failed to prevent the unauthorized discharge of industrial waste onto the ground and into a class V injection well, in violation of 30 Tex. Admin. Code §§ 331.3(a), 331.5(a), 335.4 and Tex. Water Code § 26.121(a), as documented during an investigation conducted on December 15, 2011. Specifically, an old water well had trash and metal shavings in it, the drainage ditch had standing water with an oily sheen on top, and the air compressor between the shop and adjacent connected building was leaking oil onto the grass. Soil samples had total Petroleum Hydrocarbon levels as high as 46,400 parts per million ("PPM"), which exceed the 449 PPM background level.
- 3. Failed to conduct waste determinations and classifications, in violation of 30 Tex. Admin. Code §§ 335.62, 335.503(a) and 335.513, and 40 CFR § 262.11, as documented during an investigation conducted on December 15, 2011. Specifically, waste determinations and classifications were not conducted on the used hydraulic oil and the waste coolant fluid.
- 4. Failed to label or clearly mark containers storing used oil with the words "Used Oil", in violation of 30 Tex. ADMIN. CODE § 324.1 and 40 CFR § 279.22(c), as documented during an investigation conducted on December 15, 2011. Specifically, there were six buckets filled with oily substances that were not properly labeled with the words "Used Oil".

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: COLLINS CORP. dba Collins Machine Shop, Docket No. 2012-0407-MLM-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, cease unauthorized discharges until such time as a permit is obtained;
 - b. Within 30 days after the effective date of this Agreed Order:

i. Develop and begin implementing a SWPPP and submit a Notice of Intent to comply with TPDES MSGP requirements to:

Texas Commission on Environmental Quality Storm Water Processing Center, MC 228 P.O. Box 13087 Austin, Texas 78711-3087

- ii. Submit an Affected Property Assessment Report, pursuant to 30 Tex. Admin. Code § 350.91, to the Executive Director for approval. If response actions are necessary, comply with all applicable requirements of the Texas Risk Reduction Program found in 30 Tex. Admin. Code ch. 350 which may include: plans, reports, and notices under Subchapter E (30 Tex. Admin. Code §§ 350.92 to 350.96); and financial assurance [30 Tex. Admin. Code § 350.33(1)];
- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.b.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Waste Section Manager Tyler Regional Office Texas Commission on Environmental Quality 2916 Teague Drive Tyler, Texas 75701-3734

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 7. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- 8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	7/27/12
	7/27/12
For the Executive Director	5/10/2017
For the Executive Director	Date
	Duto
I, the undersigned, have read and understand the a agree to the attached Agreed Order on behalf of the do agree to the terms and conditions specified therei accepting payment for the penalty amount, is material	entity indicated below my signature, and I n. I further acknowledge that the TCEQ, in
 I also understand that failure to comply with the and/or failure to timely pay the penalty amount, may A negative impact on compliance history; Greater scrutiny of any permit applications su Referral of this case to the Attorney General additional penalties, and/or attorney fees, or t Increased penalties in any future enforcement Automatic referral to the Attorney General's and TCEQ seeking other relief as authorized by law In addition, any falsification of any compliance document 	result in: bmitted; al's Office for contempt, injunctive relief, o a collection agency; actions; Office of any future enforcement actions; v.
James a bellen Signature	M 10 7011.
James a collen	May 10, 2012
Signature	Date '
James A Collins	Owner
Name (Printed or typed)	Title
Authorized Representative of	
COLLINS CORP. dba Collins Machine Shop	

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.